

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SPARKLE HILL, INC.,
individually and as the
representative of a class of
similarly-situated persons,
Plaintiff,

Civil No. 13-4172 (NLH/AMD)

MEMORANDUM OPINION & ORDER

v.

Invecor, LLC,
doing business as
AMB Business Supply,
Defendant.

APPEARANCES

JAMES C. SHAH
SHEPHERD, FINKELMAN, MILLER & SHAH, LLP
475 WHITE HORSE PIKE
COLLINGSWOOD, NJ 08107-1909

PHILLIP A. BOCK
BOCK, HATCH, LEWIS &
OPPENHEIM, LLC
134 N. LA SALLE ST., STE. 1000
CHICAGO, IL 60603

BRIAN J. WANCA
ANDERSON + WANCA
3701 ALGONQUIN ROAD, SUITE 760
ROLLING MEADOWS, IL 60008

On behalf of Plaintiff

JOHN H. KING
THOMPSON, BECKER & BOTHWELL, LLC
WOODCREST PAVILION
TEN MELROSE AVENUE
SUITE 100
CHERRY HILL, NJ 08003

DAVE E. KAWALA
CATHERINE BASQUE WEILER
SWANSON, MARTIN & BELL, LLP
330 NORTH WABASH, SUITE 3300
CHICAGO, IL 60611

On behalf of Defendant

HILLMAN, District Judge

WHEREAS, this is a class action which concerns claims that Defendant violated the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, when it engaged Business to Business Solutions ("B2B"), which sold fax blasting services, to send out 34,668 faxes to advertise its business to 28,836 different fax numbers; and

WHEREAS, on October 24, 2017, the Court granted Plaintiff's motion for summary judgment as to liability only, finding that the certified class was entitled to judgment in its favor for each advertisement faxed that failed to contain the proper opt-out notice to each class member (Docket No. 139 at 14); and

WHEREAS, on December 13, 2017, the Court afforded Defendant 30 days to show cause as to why judgment in the amount of \$17,333,500.00 (which is \$500 in statutory damages for each time one of Defendant's 34,667 unsolicited faxes was successfully sent to the 28,835 class members) should not be entered against it (Docket No. 144); and

WHEREAS, the Court has reviewed the parties' responses to the Court's Order to Show Cause (see Docket No. 146, 147), and

in consideration of the positions presented in the parties' submissions;

IT IS on this 8th day of March, 2018

ORDERED that the Court certifies the class as final, and finds that judgment in Plaintiff's favor and against Defendant should be entered in the amount of \$17,333,500.00; and it is further

ORDERED that the Court retains jurisdiction over the action through the resolution of the claims process and Defendant's right under Federal Civil Procedure 60(b) to seek relief from a final judgment, order, or proceeding; and it is further

ORDERED that Plaintiff shall notify the Court within 30 days of the date of this Order of its procedure for distributing the judgment award to the 28,835 class members.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.